

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMAALA JONES-BEY, <i>et al.</i> ,	:	
	:	
Appellants,	:	
	:	
v.	:	Docket Nos.: 24-7122 and 24-7123
	:	
DISTRICT OF COLUMBIA, <i>et al.</i> ,	:	
	:	
Appellees.	:	

JOINT PROPOSAL ON BRIEFING

The parties submit this response to the Clerk’s Order December 13, 2024 Order with a proposed briefing format and briefing schedule agreed to by all parties.

Overall proposal. The four Appellants request to submit two separate opening briefs, each containing no more than 8,500 words, by March 15, 2025. One brief will be submitted by Terence Sutton and the other by Carlos Tejera, Cory Novick, and Ahmed Al-Shrawi.

Plaintiff and Plaintiff-Intervenor will respond to the Appellants’ briefs by April 15, 2025. They plan to offer one consolidated brief for both Plaintiff and Plaintiff-Intervenor responding to all opening briefs, but reserve the right to file separate briefs to each Appellant should it make more sense to do so. Whether consolidated or separate, Plaintiff and Plaintiff-Intervenor will not exceed the word limit granted to appellees collectively (17,000 words).

Appellants further request to submit two separate reply briefs, each containing no more than 4,250 words, by June 12, 2025.

Briefing format. It is necessary for the Appellants to file two separate briefs because they intend to raise different issues and their interests on some of those issues will diverge. For example, the theory of liability against appellant Sutton differs from that against appellants Tejera, Novick, and Al-Shrawi, who will challenge the district court's ruling that they may be liable as bystanders who "did nothing to stop Sutton," among other grounds. 7/22/24 Mem. Op. 14. This issue raises the possibility of conflict between those Appellants and Sutton. In addition, Sutton will respond to Appellees' argument that his conviction is sufficient to defeat qualified immunity, whereas Tejera, Novick, and Al-Shrawi were not charged with any crimes. Sutton is also represented by independent counsel, while Tejera, Novick, and Al-Shrawi are represented by the Office of Attorney General of the District of Columbia. The District also suspended Sutton following his arrest. Accordingly, it would not be appropriate for all Appellants to collaborate on a single brief.

Briefing length. Appellants request 8,500 for each opening brief. This is a unique and complex case that involves the potential liability of police officers involved, in different ways, in the pursuit of a motorist, when that motorist is struck and killed by an uninvolved civilian vehicle. The case requires an analysis

of the decedent’s substantive due process rights under the Fifth Amendment of the United States Constitution, as well as the application of the doctrine of qualified immunity, to the unique factual allegations of this case. Qualified immunity is “an *immunity from suit* rather than a mere defense to liability.” *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985) (emphasis in original). The Appellants will ask the Court to decide the important question of whether Appellees can avoid dismissal by alleging that Appellants acted with the intent to “harass” or steal money from the motorist, including whether those allegations as to each of the four officers are adequate. Appellants do not believe it is possible to fully address these issues in fewer than 8,500 words.

Appellees request the same number of combined words of all Appellants, so that they have sufficient space to respond to all arguments. They will do their best to brief the matter efficiently.

Appellants request 4,250 words for each of their two reply briefs. This is consistent with Rule 32(a)(7)(B)(ii), which limits reply briefs to half the length of the opening briefs.

Briefing schedule. Appellants request that their opening briefs be filed by March 15, 2025. Undersigned counsel for appellants Tejera, Novick, and Al-Shrawi has an en banc oral argument in the D.C. Court of Appeals in *Banks v.*

Hoffman, No. 20-CV-318, on February 25, 2025, and so will require additional time to prepare a brief in this case.

Appellees' brief would be filed by April 15, 2025.

Appellants also request that their reply briefs be filed by June 12, 2025.

Counsel for Sutton has an administrative trial scheduled to begin on April 30 and a trial in the Superior Court for the District of Columbia scheduled for May 19 through May 22, 2025.

Appellees do not consent to any due date for a reply brief that is more than 40 days from the date when Appellees' brief is filed, because Appellants do not have good cause for such a substantial departure from the timeline specified by the Rules.

Respectfully submitted,

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